## Travancore-Cochin High Court Act (Amendment) Bill

*Minister for Industries and Labour* **(Sri. P. K. Krishnankutty Menon):** Sir, I beg to present the report of the Select Committee on the Travancore-Cochin High Court Act (Amendment) Bill.

ഈ ബിൽ ഈ സഭയിൽ പഠിച്ചാലോചിക്കുകയും സെലക്ട് കമ്മറ്റിക്ക അയക്കുകയും ചെയ്തിരുന്നതാണ്. അപ്രകാരം സെലക്ട് കമ്മറ്റിയുടെ പഠിച്ചാലോചനയ്ക്കുശേഷം കമ്മിറ്റി റിപ്പോർട്ടുചെയ്തിട്ടുള്ള ഒരു ബില്ലാണിതു്. ഹൈക്കോർട്ടിലെ ഡിവിഷൻ ബഞ്ചിനും സിങ്കിൾ ബഞ്ചിനും ഇപ്പോൾ ഉള്ളതിൽ കൂടുതൽ അധികാരം കൊടുക്കുന്നതിനു വേണ്ടിയാണ് ഈ ബിൽ ഹാജരാക്കിയിരിക്കുന്നതു്. ഇതിനെ സംബന്ധിച്ചു് സെലക്ട് കമ്മറ്റിയിൽ കൂലങ്കഷമായി പരിശോധിക്കുകയും ഇതിലെ വകുപ്പുകളിൽ യാതൊരു ഭേദഗതിയും വരുത്തേണ്ടതില്ലെന്നു റിപ്പോർട്ട് ചെയ്യുകയും ചെയ്തിട്ടുള്ളതാണ്.

Sir, I move that the Travancore-Cochin High Court Act (Amendment) Bill as reported by the Select Committee be taken into consideration.

*Minister for Public Works* **(Sri. G. Chandrasekhara Pillai):** I second it

*The question that the Bill be taken into consideration was put and carried.*

### Clauses 2 to 7

*The question that clauses 2 to 7 stand part of the Bill was put and carried.*
*Clauses 2 to 7 were added to the Bill.*

### Clauses 8 to 24

**Mr. Speaker.** With regard to the amendment *tabled by Mr. N. D. Jose to clause 8, I have to point out that it does not come within the scope of the Bill. The Preamble is "whereas it is deemed necessary to amend the Travancore-Cochin. High Court Act, 1125 (Act V of 1125) for the purposes hereinafter appearing." In the Objects and Reasons also what is stated is, "Section 25 of the High Court Act provides that a Full Bench shall hear and decide all appeals from the decree of the District Courts or Courts of Subordinate Judges or of a single Judge of the High Court in suits in which the amount or value of the subject-matter is not less than Rs. 5,000. It is proposed to delete this provision so that it may be competent for Division Benches to hear all appeals without limitation of value. It is also proposed to confer ont he Single judgeof the High Court power of hearing second and miscellaneous appeals valued at Rs. 1,000 and less. To implement these proposals the Act has to be suitably amended." Opportunity has been availed of to delete the provisions regarding the constitution of High Court, salaries of Judges etc., from the High Court Act which become infructuous in the face of similar provisions in the Constitution. It is, therefore, for the specific purposes mentioned in the Statement of Objects and Reasons and for the specific purpose as laid down in the Preamble 'hereinafter appearing', that the amendment Bill has been brought. I do not think that the amendment to clause 8 therefore comes within the scope of this Bill.

**Sri. P. Nanoo:** Am I to understand that this House cannot suggest amendments within the scope of the objects and reasons mentioned in the Bill?

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*The amendment sought to be moved by Sri. Jose was as follows.—

"In clause 8, the following shall be added at the end.—'and the following shall be added as a proviso.—

Provided that a Bench shall sit at Trivandrum.—

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**Mr. Speaker:** The amendment put forward is not within the scope of the amending Bill. I was stating that the amendment now tabled will not come within the scope of the amending Bill and I was stating my reasons how it will not come within the scope of the Amending Bill.

Clause 8 is to this effect: "In section 6 of the Act, the words "shall be a court of record and" shall be deleted."

**Sri. N. D. Jose:** Is it not enough, Sir, if the amendment comes within the scope of the Bill?

**Mr. Speaker:** No. It is not enough. It must come within the scope of the Amending Bill. It is not enough if it comes within the scope of the original Bill which has been passed into law. It must come within the scope of the amending Bill.

**Sri. N. D. Jose:** Is it not open to the House to amend the preamble also?

**Mr. Speaker:** No.

Clause 8 of the amendment Bill is "in section 6 of the Act the words 'shall be a court of record and' shall be deleted." My opinion is that it will not come within the scope of the amendment to clause 8 of this amending Bill. I will illustrate this. If in this amending Bill, there is a clause to the effect that the High Court of Judicature shall sit in any place within the Travancore-Cochin State, or in Kottayam or Nagercoil then the hon. Member would have been perfectly in order in moving an amendment to the effect that the High Court of Judicature shall be situated in Trivandrum or that a Branch of it shall be situated there.

**Sri. P. S. Nataraja Pillai:** The Preamble here is "whereas it is necessary to make provision regulating the business of the High Court of Travancore-Cochin, for fixing the jurisdiction etc."

**Mr. Speaker:** The preamble is "whereas it is deemed necessary to amend the Travancore-Cochin High Court Act for the purposes hereinafter appearing".

**Sri. P. S. Nataraja Pillai:** Sir, I refer to clause 2.

**Mr. Speaker:** It will not come within clause 2. It will not come within the scope of the amending Bill and there are several rulings also to this effect. I will refer to "Decisions from the Chair," Central Legislative Assembly, Vol. III pages 17 and 11 and 12. There also the question was raised, when the motion to refer the Bill to amend the Indian Insurance Act, 1938, to a Select Committee was under discussion. Pandit Govind Malaviya enquired whether a general debate will be permitted on the entire principles involved in the Insurance Act and about other matters relating to insurance in this country, the President ruled:

"As I look upon the matter, it seems to me that the principle of the Act of 1938 is not a matter under discussion under the present Bill. This is an amending Bill. That fact must be remembered. Therefore the scope of the discussion will be limited only to the amendments proposed.

"In the case of an amending Bill, the scope of the discussion will have to be limited to that Bill and that Bill alone and not the original Act or legislation which this Bill seeks to amend. If the other point is conceded, then at the time of even a minor amendment of any Act the whole legislation will be open to amendment." There is also a specific ruling in "Selections from the Decisions of the Chair, Vol. I. page 55.

"By clause 72 in the Code of Criminal Procedure (Amendment) Bill it was proposed to amend Section 260 by adding an additional offence within the scope of summary trials. Clause 72 was omitted by the Joint Committee. When the

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Bill came before the Assembly a Member proposed an amendment to Section 260 and this amendment related to the rights of accused persons who may be brought to summary trials.

An objection was raised by the Home Member that the amendment was not in order as it introduced considerations which were not in any way pertinent to the purpose for which Section 260 was mentioned in the original Bill.

The President upheld the objection and ruled that the amendment was inadmissible ".

Following these rulings, I hold that the amendment is out of order.

*The question that clauses 8 to 24 stand part of the Bill was put and carried.*
*The clauses were added to the Bill.*

**Clause 1 and Preamble**

*The question that clause 1 and Preamble stand part of the Bill.*
*was put and carried.*
*Clause 1 and the preamble were added to the Bill.*
*The question that the Title stand part of the Bill was put and carried.*
*The title was added to the Bill.*

**Sri. P. K. Krishnankutty Menon**: Sir, I move that the Bill be passed.

**Sri. G. Chandrasekhara Pillai**: I second the motion.

*The question that the Travancore-Cochin High Court Act (Amendment) Bill be passed was put and carried.*

*The Bill was passed.*

## The Legislative Assembly Travancore-Cochin (Removal of Disqualifications) Bill

*Minister for Industries and Labour* **(Sri. P. K. Krishnankutty Menon)**: I beg to present the report of the Select Committee on the Legislative Assembly of Travancore-Cochin (Removal of Disqualifications) Bill, and move that the Bill be taken into consideration.

*Minister for Public Works* **(Sri. G. Chandrasekhara Pillai)**: I second the motion.

**Sri. P. S. Nataraja Pillai**: Sir, on a point of order. Under Rule 37, it is provided that the report may be objected to from being taken into consideration if a copy of the report has not been made available for the use of Members for seven days". The report was published on the 24th and it was circulated on the 25th. Now we are on the 27th. Seven days before it was not available for circulation.

**Mr. Speaker**: Order, order. Under standing Order 34 the Select Committee was asked to report in five days.

ശ്രീ. പി. കെ. കൃഷ്ണൻകുട്ടിമേനോൻ: സർ, ഈ ബിൽ സെലക്ട് കമ്മറ്റി പഠിച്ചാലോചിച്ച ശേഷം അതിൽ വരുത്തിയിട്ടുള്ള ഭേദഗതികളും കൂടി വ്യക്തമാക്കാമെന്നു ഞാൻ വിചാരിക്കുന്നു. ഈ ബില്ലിൽ സെലക്ട് കമ്മറ്റി രണ്ടു സബ് ക്ലാസുകൾകൂടി ചേർത്തിട്ടുണ്ട്. അതായതു് ക്ലാസ് ഡ-ൽ ഒന്നും മൂന്നും ഉപവകുപ്പുകൾ കൂടി ചേർത്തു് പരിഷ്കരിച്ചിട്ടുണ്ട്.

ഇതിൽ ഒന്നാം ഉപവകുപ്പനുസരിച്ചു്, ഇന്ത്യാഗവണ്മെന്റോ, ഇന്ത്യൻ ഭരണഘടനയുടെ ഒന്നാം ഷെഡ്യൂളിൽ പറയുന്ന സ്റ്റേറ്റ്ഗവണ്മെന്റോ രൂപീകരിക്കുന്ന ഏതെങ്കിലും കമ്മറ്റിയിലെയോ ബോർഡിലെയോ ഒരു അംഗമെന്ന നിലയിൽ ചെയ്യുന്ന സേവനത്തിനുവേണ്ടി ഒരാൾ സഞ്ചാരപ്പടിയൊ ദിവസപ്പ

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